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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,893	08/31/2001	Juergen Reinold	IA00008	4079

22863 7590 12/18/2003

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

STULBERGER, CAS P

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,893

Applicant(s)

REINOLD ET AL.

Examiner

Cas Stulberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is responsive to communications: application, filed 8/31/2001; amendment filed 8/28/2003.
2. Claims 1-15 are pending in the case. Claims 1 and 11 are independent claims.

Response to Amendment

3. Applicant argues that there is no motivation or suggestion contained in the cited art to combine the teachings of the references. According to the MPEP 2143.01-Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. The motivation is repeated below in the office action.

4. Applicant also argues that Pogue Jr. teaches a bus-type architecture or a central computing resource such as a master controller and does not teach an active network. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., active network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's arguments describing what and

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active network is and how it is different from other networks are not described in the claims.

Therefore the broadest possible interpretation of active was used in rejecting the claims.

In view of the rejections and response to arguments above, the prior art rejections are maintained. The grounds of rejection as set forth in the previous office action is reproduced below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of U.S. Patent No. 5,991,401 to Daniels et al.

In regards to claims 1-4, 9-12, and 15, Pogue Jr. discloses data network capable of transmitting audio, video, data, low-bandwidth control data, and other similar signals (Pogue: column 1, lines 6-9). Pogue gives an example of connecting a remote CD player (first device) and an audio processor/amplifier (second device) with the existing network. Both the CD player and the audio processor/amplifier can be configured to interface with the network data bus at the network data rate while at the same time interfacing with the CD player and audio processor (Pogue: column 3, lines 39-55). This meets the limitation of "a first device and second device and an active network communicatively coupling the first device and the second device for the communication of data between the first device and the second device." Pogue also discloses

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that preferred operating environment is a transportation vehicle such as a car, van, truck, bus, train, or airplane (Pogue: column 7, lines 1-3). Pogue however does not disclose encrypting the data..

Daniels et al discloses a network in which a packet is encrypted with an encryption key before it is sent out (Daniels: column 3, lines 45-51). This meets the limitation of “wherein the data packets are individually encrypted.” The receiving computer decrypts the incoming packet that is encrypted (Daniels: column 3, lines 56-63). This meets the limitation of “the active network being operable to encrypt the data.”

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of encrypting packets being sent in a network with the method as disclosed by Daniels in order to provide an improved method and system for providing data security in a computer system (Daniels: column 1, lines 65-67).

In regards to claims 8, 13, and 14, Pogue however does not disclose error detection based on encryption. Daniels discloses that an incoming packet is decrypted and then encrypted utilizing an encryption key identical to an encryption key employed by the client. The encrypted packet is determined as to whether it is identical to the incoming packet. Any such packet that does not meet this criterion is rejected (Daniels: column 2, lines 5-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of

error detection as disclosed by Daniels in order to reject potentially harmful packets (Daniels: column 4, lines 48-53).

In regards to claim 6, Pogue does not disclose a bridge. Daniels however discloses the CPU, ROM, and DRAM are also coupled to a PCI local bus of the computer of system through a PCI host bridge (Daniels: column 2, lines 58-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the bridge of Daniels in order to provide a high bandwidth path allowing PCI devices to directly access DRAM (Daniels: column 2, lines 64-65).

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of U.S. Patent No. 5,991,401 to Daniels et al and in further view of U.S. Patent No. 6,101,599 to Wright et al.

In regards to claims 5 and 7, Pogue however does not disclose a switch or a router. Wright discloses a network with a switch and a router (Wright: Figure1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the switch and router of Wright in order to accomplish path switching and forwarding decision capabilities of packets in a network (Wright: column 2, lines 45-61).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. None. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications, (703) 746-7240 for drafts, and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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CS

December 12, 2003

A handwritten signature in black ink, appearing to read "Gilberto Barron", with a long horizontal flourish extending to the right.

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100